

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

**IN RE: SUBPOENA DUCES TECUM
ISSUED BY THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
OHIO IN:**

**JOANNE SIEGEL and LAURA SIEGEL
LARSON,**

Plaintiffs,

v.

**WARNER BROS. ENTERTAINMENT INC.,
et al.,**

Defendants.

Misc. Case No. 1:06MC0099

Case Nos. SA CV 04-8400 SGL (RZx)
SA CV 04-8776 SGL (RZx)

(Consolidated for Discovery Purposes)

Action Pending in the U.S. District
Court for the Central District of California

**MOVANTS' OBJECTIONS TO REVISED PRIVILEGE LOG IN
FURTHER SUPPORT OF MOTION TO COMPEL PRODUCTION OF
DOCUMENTS AND APPEAR FOR DEPOSITION**

Pursuant to this Court's Amended Order dated February 5, 2008, movants Warner Bros. Entertainment Inc., Time Warner Inc., Warner Communications Inc., Warner Bros. Television Production Inc., and defendant-counterclaimant DC Comics, (collectively "Movants"), by and through counsel, Jones Day, hereby advise the Court of their continuing objection to Don Bulson Esq.'s ("Bulson") assertion of the "joint interest" exception to the waiver of the attorney client privilege with respect to the documents identified on his revised privilege log dated February 11, 2008. (A true and correct copy of this log is attached hereto as Exhibit A.)

The revised log does not establish the common legal interest required to avoid a waiver of the privilege in view of the communications between Mr. Bulson, on the one hand, and plaintiffs Joanne and Laura Siegel or their representative, Marc Toberoff, on the other. (See Movants' November 20, 2006 Reply Memorandum at 5-9 (discussion of requirements for

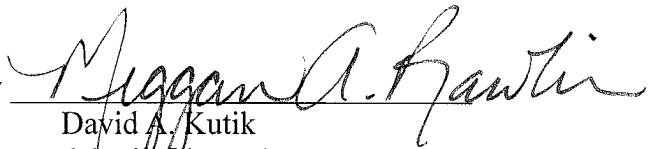
establishing common legal interest sufficient to avoid wavier); Transcript of February 1, 2008 Telephonic Hearing at 14:10-15:3 (same).) As previously set forth in their Reply Brief, Movants believe these communications to involve arm's-length financial negotiations not subject to the common interest exception. (Reply Brief at 7 & Exhs. 15, 16.)

In view of the foregoing, and pursuant to the Amended Order, Movants respectfully request that the Court review of the communications at issue *in camera* in order to determine whether the assertion of "Atty/Client-Joint Interest" (*see* Exh. A) is proper and, if not, release those communications documents to Movants.¹

Respectfully submitted,

JONES DAY

By



David A. Kutik

dakutik@jonesday.com

Meggan A. Rawlin

mrawlin@jonesday.com

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114-1190

216.586.3939

216.579.0212 (fax)

Counsel for Movants

Of counsel:

Roger L. Zissu

James D. Weinberger

FROSS ZELNICK LEHRMAN & ZISSU, PC

866 United Nations Plaza

New York, New York 10017

Phone: (212) 813-5900

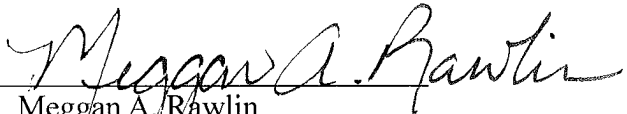
Fax: (212) 813-5901

¹ In accordance with the Amended Order, the parties have tentatively scheduled the deposition of Mr. Bulson for February 29, 2008, pending the Court's ruling on this renewed objection.

CERTIFICATE OF SERVICE

The foregoing Movants' Objections to Revised Privilege Log in Further Support of Motion to Compel Production of Documents and Appear for Deposition was served this 19th day of February, 2008 on all parties of record via the Court's electronic case filing system, and on the following counsel via facsimile and U.S. Mail:

Marc Toberoff, Esq.
Law Offices of Marc Toberoff
2049 Century Park East, Suite 2720
Los Angeles, CA 90067
(310) 246-3101 (fax)

By 
Meggan A. Rawlin
mrawlin@jonesday.com
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190
216.586.3939
216.579.01212

Counsel for Movants

EXHIBIT A

LAW OFFICES OF MARC TOBEROFF

A PROFESSIONAL CORPORATION

2049 CENTURY PARK EAST, SUITE 2720
LOS ANGELES, CALIFORNIA 90067

MARC TOBEROFF*
NICHOLAS C. WILLIAMSON
KEITH G. ADAMS
JEFFREY R. RHODES

* ALSO ADMITTED IN NEW YORK

TELEPHONE
(310) 246-3333

FACSIMILE
(310) 246-3101

February 11, 2008

Via Facsimile and US Mail

Roger L. Zissu, Esq.
James D. Weinberger, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

David A. Kutik, Esq.
Meggan A. Rawlin, Esq.
Jones Day
North Point
901 Lakeside Drive
Cleveland, Ohio 44114-1190

Re: In Re: Subpoena Duces Tecum- Misc. Case No. 00099-SO

Dear Counsel:

Pursuant to Judge Oliver's February 5, 2008 discovery order, enclosed please find respondent Don Bulson's revised privilege log regarding the documents listed on page 8 of the movant's Reply Memorandum filed November 20, 2006. Please note entry 412 was originally listed as being dated "11/18/05"; this was a typographical error. The correct date of the document is "11/18/04" and has been corrected in the revised log.

Very truly yours,



Marc Toberoff

cc: Michael Bergman, Esq. (via Facsimile)
Patrick Perkins, Esq. (via Facsimile)

REVISED PRIVILEGE LOG

Log #	Date of Document	Identity of Recipient(s)	Identity of Author(s)	Document Description	Privilege Claim	Present Location
299	4/16/2003	Atty Don Bulson	Joanne & Laura Siegel	Letter discussing accounting issues as they relate to Michael Siegel re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright	Atty/Client-Joint Interest	Plaintiffs' Counsel
301	4/30/2003	Atty Don Bulson	Atty Marc Toberoff	Letter discussing accounting issues as they relate to Michael Siegel re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright	Atty/Client-Joint Interest	Plaintiffs' Counsel
319	6/18/2003	Atty Marc Toberoff	Atty Don Bulson	Letter discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright	Atty/Client-Joint Interest	Plaintiffs' Counsel
325	7/16/2003	Atty Don Bulson	Atty Marc Toberoff	Facsimile discussing accounting issues as they relate to Michael Siegel re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright	Atty/Client-Joint Interest	Plaintiffs' Counsel

327 8/6/2003 Atty Don Bulson Atty Marc Toberoff Letter discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright Atty/Client-Joint Interest Plaintiffs' Counsel

328 8/6/2003 Atty Don Bulson Atty Marc Toberoff Letter discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright Atty/Client-Joint Interest Plaintiffs' Counsel

377 11/12/2004 Atty Marc Toberoff Atty Don Bulson Email regarding offer and counteroffers to sell Michael Siegel's termination interest in light of Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright Atty/Client-Joint Interest Plaintiffs' Counsel

378	11/12/2004	Atty Marc Toberoff	Atty Don Bulson	Email regarding offer and counteroffers to sell Michael Siegel's termination interest in light of Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright	Atty/Client-Joint Interest	Plaintiffs' Counsel
379	11/17/2004	Atty Don Bulson	Atty Marc Toberoff	Email discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright	Atty/Client-Joint Interest	Plaintiffs' Counsel
380	11/17/2004	Atty Don Bulson	Atty Marc Toberoff	Email discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright	Atty/Client-Joint Interest	Plaintiffs' Counsel

381 11/18/2004 Atty Don Bulson Atty Marc Toberoff
 Email discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright
 Atty/Client-Joint Interest Plaintiffs' Counsel

386 11/24/2004 Atty Marc Toberoff Atty Don Bulson
 Email discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright
 Atty/Client-Joint Interest Plaintiffs' Counsel

388 11/29/2004 Atty Don Bulson Atty Marc Toberoff
 Email discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright
 Atty/Client-Joint Interest Plaintiffs' Counsel

393 11/17/2005 Atty Don Bulson Atty Marc Toberoff
 Email discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright
 Atty/Client-Joint Interest Plaintiffs' Counsel

412

11/18/2004

Atty Marc Toberoff

Atty Don Bulson

E mail discussing Warner Bros.' settlement offers and the risks of litigation re: Joanne & Laura Siegel's 17 U.S.C. § 304(c) termination regarding Jerome Siegel's "Superman" copyright

Atty/Client-Joint Interest Plaintiffs' Counsel

CERTIFICATE OF SERVICE


Respondent Don W. Bulson, Esq., hereby certifies that a copy of the forgoing Revised Privilege Log was served on February 11, 2008 via U.S. Mail and facsimile on the following counsel:

Meggan A. Rawlin, Esq.
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114
Fax: 216-579-0212

James D. Weinberger, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017
Fax: 212-813-5901

Patrick T. Perkins
Perkins Law Office, P.C.
1711 Route 9D
Cold Spring, NY 10516
Fax: 845-265-2819

Michael Bergman
Weissman Wolff Bergman Coleman
Grodin & Evall LLP
9665 Wilshire Boulevard, Ninth Floor
Beverly Hills, CA 90212
Fax: 310-550-7191



Nicholas C. Williamson
Attorney for Respondent